

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 19-CR-134**

**AARON C. SMITH,**

**Defendant.**

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**DECISION AND ORDER ON MOTION TO SEVER DEFENDANTS FOR TRIAL**

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On July 16, 2019, the grand jury returned a three-count indictment against Aaron C. Smith and Keanna R. King. (Docket # 1.) Smith is charged with possession of a firearm as a felon and with influencing King's testimony in an official proceeding. (*Id.* at 1–2.) Smith was arraigned on the charges and entered a plea of not guilty. (Docket # 9.) The final pretrial conference and jury trial are scheduled before the Honorable Judge Griesbach on September 26, 2019 and October 7, 2019, respectively.

Before me is Smith's motion to sever the defendants for trial. (Docket # 14.) Smith argues that admission of certain statements by King would be prejudicial to his defense, which prejudice could not be dispelled by cross-examination if King does not take the stand or by limiting instructions to the jury. (*Id.* (citing *Bruton v. United States*, 391 U.S. 123 (1968))) The response date has passed with no objection to Smith's motion from the government. Because I also find severance of the defendants appropriate under *Bruton*, the motion will be granted.

**NOW, THEREFORE, IT IS ORDERED** that Smith's motion to sever the defendants for trial (Docket # 14) is **GRANTED**.

**FURTHER**, to accommodate the Final Pretrial Hearing scheduled for September 26, 2019, any objections to this recommendation shall be filed September 13, 2019 and any responses by September 19, 2019. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin this 9<sup>th</sup> day of September, 2019.

BY THE COURT

*s/Nancy Joseph*  
NANCY JOSEPH  
United States Magistrate Judge